

REMARKS

Claims 5-16, 21-24 and 26-32 were pending. No claim is allowed.

Applicants gratefully acknowledge the withdrawal of the Restriction Requirement dated January 25, 2007 as this Action did not take into account the Preliminary Amendment filed January 22, 2004.

Restriction Requirement Under 35 U.S.C. § 121

The Office has requested a restriction to one of the following inventions under 35 U.S.C. § 121: Group I (claims 5-10), drawn to a lateral flow enzyme immunoassay device; Group II (claims 11-16 and 31), drawn to a lateral flow enzyme immunoassay device; Group III (claims 21-24 and 32), drawn to an enzyme immunoassay device ; or Group IV (claims 26-30), drawn to a lateral flow enzyme immunoassay device.

Applicants hereby elect Group I (claim 5-10) without traverse.

Claims 5-10 read on the elected invention.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants respectfully request examination of the elected subject matter on the merits.

CONCLUSION

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **273102008401**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 17, 2007

Respectfully submitted,

By: /Laurie L. Hill/

Laurie L. Hill, Ph.D.

Registration No.: 51,804

MORRISON & FOERSTER LLP

12531 High Bluff Drive, Suite 100

San Diego, California 92130-2040

(858) 720-7945